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*Attorneys for Defendant*  
*First Advantage Background Services Corp.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

STEVEN-ANN MUIR, for herself and all  
others similarly situated,

Plaintiff,

v.

EARLY WARNING SERVICES, LLC;  
WELLS FARGO BANK, N.A.; BANK OF  
AMERICA, NATIONAL ASSOCIATION;  
FIRST ADVANTAGE BACKGROUND  
SERVICES CORP.; and JOHN DOES 1-10,

Defendants.

Case No. 2:16-cv-00521-SRC-CLW

MOTION DATE: May 16, 2016

[ORAL ARGUMENT REQUESTED]

**DEFENDANT FIRST ADVANTAGE  
BACKGROUND SERVICES CORP.'S  
NOTICE OF MOTION TO DISMISS  
COUNTS IV AND V OF PLAINTIFF'S  
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Its Motion to Dismiss Counts IV and V of Plaintiffs' Complaint; Certification of Robert T. Szyba, with Exhibits A through C annexed thereto; and the Proposed Order Granting

Defendant's Motion to Dismiss Counts IV and V of Plaintiffs' Complaint, and upon all prior pleadings and proceedings herein, Defendant FIRST ADVANTAGE BACKGROUND SERVICES CORP., by its attorneys and pursuant to Federal Rule Civil Procedure 12(b)(6), will move this Court, at a time to be determined by the Court, before the Honorable Stanley R. Chesler, U.S.D.J, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order dismissing Counts IV and V of Plaintiff's Complaint, with prejudice.

Date: April 18, 2016

SEYFARTH SHAW LLP

By: /s/ Robert T. Szyba

Robert T. Szyba

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2016, I caused the electronic submission of the foregoing NOTICE OF MOTION; DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO DISMISS COUNTS IV AND V OF PLAINTIFF'S COMPLAINT; CERTIFICATION OF ROBERT T. SZYBA, WITH EXHIBITS A THROUGH C; PROPOSED ORDER; AND COMPENDIUM OF UNREPORTED DECISIONS, to the Clerk's Office using the CM/ECF System, which sent notification of such filing to all counsel of record.

/s/ Robert T. Szyba

Robert T. Szyba